

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

**vs.
00678**

KENDAL ALEJANDRO MONZON

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CRIMINAL NO. 4:20-CR-

**DEFENDANTS' JOINT MOTION FOR CONTINUANCE
AND BRIEF IN SUPPORT**

**TO: HONORABLE CHARLES ESKRIDGE,
UNITED STATES DISTRICT JUDGE**

.I

KENDRAL ALEJANDRO MONZON, GUS ANJELO VASQUEZ, RUBEN LOPEZ AND KARINA AVALA, through Counsel, charged jointly with conspiracy to possess with intent to distribute methamphetamine, in violation of 21 USC 846, and aiding and abetting the distribution of methamphetamine, in violation of 18 USC 2, and 21 USC 841 (a)(1) and 21 USC 841 (b)(1)(A)(viii) and aiding abetting the possession with intent to distribute heroin, in violation of 18 USC 2, and 21 USC 841 (a)(1), and 21 USC 841 (b)(1)(B)(i), and possession with intent to distribute marijuana, and aiding and abetting the possession with intent to distribute marijuana, in violation of 21 USC 841 (a)(1) and 21 USC 841 (b)(1)(D), and 18 USC 2, and possession with intent to distribute codeine w/promethazine, in violation of 21 USC 841 (a)(1) and (b)(3), and aiding and abetting the possession with intent to distribute codeine w/promethazine in violation of 18 USC 2, and the illegal possession of firearms, in violation of 18 USC 922 (g)(1), and felons in possession of firearms in violation of 18 USC 924 (c)(1)(A) and (B)(i) and (b)(ii) and 18 USC 2. The case is set for Pre-Trial Conference on Friday, February 19, 2021. All counsel have agreed to this Joint Motion for Continuance and would show this Court the following:

II.

This motion is not made for the purpose of unreasonable delay. Good cause for this continuance exists because there is a need to further investigate the facts of the offense and possibility that this prosecution may be governed by the policy of the United States Attorney's Office known as the "petite policy". The case arises out of a local police department's investigation

into the same matters where a case in State Court is pending: *The State of Texas vs. Kendal Monzon*, Case Nos. 1699486 & 1699487 in the 174th Criminal District Court, Harris County, Texas. In addition, good cause for this continuance exists to allow defense counsel to fully investigate the facts of this case independent of the investigations conducted by D.E.A. and the Houston Police Department. In addition, the Defendants request this continuance in order to exercise the right to effective assistance of counsel as guaranteed by the United States Constitution. U.S. Const. VI; *Strickland v. Washington*, 466 U.S. 668, 687-91 (1984), and its progeny in this Circuit.

III.

Contemporaneously with the filing of this motion all Defendants have filed a waiver of the Speedy Trial Act. The circumstances of this case indicate a continuance should be granted. A continuance of 60 to 90 days would be sufficient to conduct the investigation of the facts requested. Counsel jointly pray this Court grants a continuance for these reasons of at least 60 or 90 days.

Respectfully submitted,

Paul C. Looney

Paul C. Looney

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COUNSEL FOR DEFENDANT

Kendal Alejandro Monzon

CERTIFICATE OF CONFERENCE

Prior to the filing of this Motion for Continuance Counsel a conference was held between Counsel's paralegal and the government. The government expressed no opposition to continuance requested in this motion.

Paul C. Looney

Paul C. Looney
COUNSEL FOR DEFENDANT
Kendal Alejandro Monzon

CERTIFICATE OF SERVICE

I, Paul C. Looney, certify that a true and correct copy of this motion was provided all counsel, government included, as the motion was filed pursuant to this Court e-filing system which provides that service. Additionally, a copy of the motion was directly served on all counsel via e-mail from my office on Monday, February 8, 2021.

Paul C. Looney

Paul C. Looney
COUNSEL FOR DEFENDANT
Kendal Alejandro Monzon

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CASE 51 NO. 4:20-00678

O R D E R

Before the Court is the joint motion for continuance filed by and for all defendants in this case. The Court has reviewed the reasons for the continuance and finds the reasons to be non-frivolous, and the reasons establish a legitimate reason for continuing the Pre-Trial Hearing in this case. The Court has considered the reasons for a continuance to be sufficient. A reasonable explanation of the need for the continuance shows the defendants are not prejudiced by the delay. It is noted the defendants have waived time under the Speedy Trial Act.

NOW THEREFORE, the Court having considered the motion and any response by the government, this Court finds reasonable cause has been shown, and therefore the motion for continuance is GRANTED.

I T I S S O O R D E R E D.

SIGNED this the _____ day of February, 2021.

Hon. Charles Eskridge
United States District Judge